



Town of Harpswell
Planning Board Minutes
June 18, 2014
Approved July 16, 2014

Members Present David I. Chipman, Chair Paul Standridge, Vice Chair Burr Taylor Aaron Fuchs Debora Levensailor John Papacosma, Associate Member Frank Wright, Associate Member	Members Absent Staff Present Carolyn Eyerman, Town Planner Diane Plourde, Recording Secretary
--	--

The Town of Harpswell Planning Board meeting was called to order at 6:30 PM by David I. Chipman, Chair. The Pledge of Allegiance was recited. Board members were introduced.

Old Business: None

The Chair asked the Board to switch the order of New Business so that Parnell Hagerman will be heard first. He also noted that the site visit was attended by himself, Burr Taylor, John Papacosma and Carol Eyerman.

New Business: **14-06-02 Parnell Hagerman (Applicant/Owner), Ralph Black (Representative), Map 23 Lot 67 – 9 Edal Heights Road Bailey Island – Jurisdictional**

Public Hearing: Mr. Ralph (“Chip”) Black representing the applicant stated that the applicant would like to remove an existing (10’ x 20’) shed and replace it with a (10’ x 12’) shed. He said the reason for a smaller shed is to create an extra parking spot in a very tight location. Mr. Black provided the Board with a photograph of the site. The Board discussed the setbacks to the water and road and impermeable surfaces on the lot.

Debora Levensailor moved seconded by Paul Standridge that this application, Map 23 Lot 67, 9 Edal Heights Road Bailey Island be remanded to the Code Enforcement Office. Unanimous Approval

14-06-01 – Scott Ruppert & William W. Abbott (Applicant/Owners) Map 14 Lot 174, 1583 Harpswell Neck Road Harpswell – Site Plan Review

Public Hearing: Scott Ruppert representing the Live Well Farm is asking the Board for a change of designation. He stated that in the restoration process, his business plans have evolved needing to change the classification to an “inn” type lodging facility. His wife Patty is currently running a cooking school at this location, and with the barn restorations, they have received requests to rent the property for family reunions, and bigger events than can be used as a home occupation.

Discussion: The Board discussed zoning, abutters and parking. Ms. Eyerman noted there was one abutter at the site visit.

Public Hearing closed.

Paul Standridge moved seconded by Debora Levensailor that Sections 16 A&B, Section 17 and Section 22 do not apply. Unanimous Approval

Under Section 15.1 Dimensional Requirements of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does meet the dimensional requirements of the Basic Land Use Ordinance and/or Shoreland Zoning Ordinance, as applicable, based on the following evidence: In a review memo dated June 11, 2014, the Code Enforcement Officer (CEO) found that all dimensional requirements are met. Unanimous Approval

Under Section 15.2 Utilization of the Site of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does reflect that the natural capabilities of the site to support the development, and that environmentally sensitive areas and natural drainage areas will be preserved and protected to the maximum extent, based on the following evidence: The applicant's materials and site plan show that the proposed permeable parking lot is located toward the center of the property and on flat area with little slope. Unanimous Approval

Under Section 15.3 Adequacy of Road System of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that vehicular access to the site will be on roads with adequate capacity and Level of Service for the development, or that the applicant has demonstrated that necessary improvements will be accomplished, based on the following evidence: The applicant states in the written materials that the development will not generate 100 peak hour trips and the vehicular access, Route 123, should be sufficient for the proposed use. Unanimous Approval

Under Section 15.4 Access into the Site of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that vehicular access to and from the site is safe and convenient and meets the eight (8) driveway and access ways standards of Section 15.4, based on the following evidence: The property and driveway are located 500 feet from the nearest curve. There is only one driveway onto Route 123. The grade of the driveway is less than the required 3% for 40 feet. Unanimous Approval

Under Section 15.5 Access/Egress Way Location and Spacing of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the proposed entrances and exits and private access ways will be appropriately sited in conformance to Section 15.5, based on the following evidence: The entrance is more than 50 feet away from an unsignalized intersection and more than 150 feet away from a signalized intersection. Unanimous Approval

Under Section 15.6 Internal Vehicular Circulation of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the site provides for safe movement of passenger, service, and emergency vehicles through the site and within parking lots, and provides for pedestrian and cyclist safety, based on the following evidence: The site plan shows adequate and clear routes for emergency access and the circulation pattern is safe and convenient for vehicles. The site plan shows adequate routes for pedestrians and cyclists and room for snow removal. Unanimous Approval

Under Section 15.7 Parking of the Site Plan Review Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does provide for adequate vehicular parking spaces, and any off-road parking conforms to the six (6) layout and design standards of Section 15.7.2, based on the following evidence: The site plan and written materials state that there are 5 bedrooms and the site plan shows 7 parking spaces, which meets the requirements of this section. The parking is arranged so that vehicles do not back into the road. The site plan shows that the parking is located twenty feet from the side and rear property lines. Parking stalls will be 90 degrees; 8 feet 6 inches in width, and 18 feet 6 inches deep with a 12 foot aisle. Unanimous Approval

Under Section 15.8 Pedestrian Circulation of the Site Plan Review Ordinance:

Burr Taylor moved seconded by Paul Standridge that the project does provide a system of pedestrian ways appropriate to the type and scale of the development, based on the following evidence: The site plan does not have pedestrian ways designated, but the site is laid out in an orderly fashion such that it is clear where to walk and appears to be safe. Unanimous Approval

Under Section 15.9 Stormwater Management of the Site Plan Review Ordinance:

Burr Taylor moved seconded by Paul Standridge that the project does demonstrate that adequate provision is made for the collection and disposal of stormwater runoff with no adverse impact on abutting or downstream properties, and that negative impacts from both the quantity and quality of the storm water has been adequately managed in compliance with seven (7) stormwater management standards of Section 15.9, based on the following evidence: The applicant shows on the site plan and states in the application material that the parking lot will to slope to the southeast so that the stormwater will flow into an existing pond. Unanimous Approval

Under Section 15.10 Erosion Control of the Site Plan Review Ordinance:

Burr Taylor moved seconded by Paul Standridge that the project does demonstrate that all structures and roads harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible to control erosion, and that filling, excavation, and earth moving activity will be minimized, based on the following evidence: The Board approved this subject to a condition of approval that an erosion control be used when constructing the parking lot. Unanimous Approval

Under Section 15.11 Water Supply and Groundwater Protection of the Site Plan Review Ordinance:

Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that the development will be served by an adequate water supply, and that the quantity or quality of groundwater of abutting properties will not be negatively impacted, based on the following evidence: A note dated February 13, 2013 provided by Bob Temple Well Drilling states that this is a “very good well” and further states that the pump flow rate is 10 gallons per minute. However, compliance with the State of Maine safe drinking water standards is a condition of approval. **Unanimous Approval**

Under Section 15.12 Subsurface Waste Disposal of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that any subsurface sewage disposal system(s) will be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, in conformance with any applicable requirements of Sections 15.12.1-15.12.6, and in such a way as to minimize adverse impacts on groundwater quality, based on the following evidence: The Code Enforcement Officer states in his memo dated June 11, 2014 that the subsurface sewage disposal system complies with this section. **Unanimous Approval**

Under Section 15.13 Utilities and Essential Services of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that, where feasible, utilities and essential services will be installed in existing public ways or service corridors, and above-ground facilities will be located so as to avoid crossing open areas and scenic views as identified in the Comprehensive Plan, based on the following evidence: The site plan shows the utilities and essential services within the existing right of way and they do not cross open areas or scenic views. **Unanimous Approval**

Under Section 15.14 Natural Features and Buffering of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that A) the project does demonstrate that the landscape is preserved in its natural state insofar as practical, based on the following evidence: The site plan and written materials indicate that only the area directly associated with the proposed parking lot will be cleared for use. **Unanimous Approval**

Burr Taylor moved seconded by David Chipman that B) the project does demonstrate that there are sufficient setbacks and screening of exposed storage areas, articles of salvage or refuse, etc. on the site, based on the following evidence: There are no refuse containers proposed in the site plan application and the current fencing, trees and understory are adequate to buffer the use from abutting neighbors. **Unanimous Approval**

Under Section 15.15 Lighting of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project demonstrates that the development’s exterior lighting does not create undue hazards to motorists, is safe for the occupants and users of the site, and does not damage the value or diminish the usability of adjacent properties, based on the following evidence: The Board approved this section subject to a condition of approval that a lighting plan update be submitted. **Unanimous Approval**

Under Section 15.18 Solid, Special, and Hazardous Waste Disposal of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that all solid, special, and hazardous wastes will be disposed at licensed facilities that have the capacity to accept the wastes, based on the following evidence: The applicant will collect and dispose of solid waste at the town's transfer station. Unanimous Approval

Under Section 15.19 Historic and Archaeological Resources of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that the development is designed to protect and preserve archaeological and historic sites identified by the Planning Board, based on the following evidence: This site is not identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or National Park Service as a historic resource. This property is not shown to include archeological resources. Unanimous Approval

Under Section 15.20 Floodplain Management of the Site Plan Review Ordinance:

Burr Taylor moved seconded by David Chipman that the project does demonstrate that all use and development of portions of the site within a special flood hazard area are consistent with the Town's Floodplain Management Ordinance, based on the following evidence: The Codes Enforcement Office has stated in the review memo, dated June 11, 2014, that the property is not within a flood hazard area. Unanimous Approval

Under Section 15.21 Technical and Financial Capacity of the Site Plan Review Ordinance:

Burr Taylor moved seconded by Debora Levensailor that the applicant has demonstrated the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan, based on the following evidence: The Board approved this section with a condition that financial and technical information be provided to the town planner. Unanimous Approval

Aaron Fuchs moved seconded by David Chipman that the application is complete subject to the applicant providing additional conditions. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the application be approved with the standard conditions that when the applicant proceeds with the parking lot he will show the siltation control plan, pathway lighting, provide financial & technical capacity, contractor for the parking lot and comply with the State of Maine safe drinking water standards. Unanimous Approval

14-06-03 – Stephen & Stephanie Rowe (Owner/Applicant) Map 47 & 48 Lot 11, 498 Harpswell Island Road – Consideration of Blasting and Removal of more than 300 cubic yards of material

Ms. Eyerman noted that the Board was given additional correspondence this evening consisting of an email from Darcy Dye, an email and additional submittals from Great Island Boat Yard and a copy of the Maine Revised Statutes.

Stephen Rowe, owner & operator of the Great Island Boat Yard is requesting a blasting permit for removing more than 300 cubic yards of ledge at 498 Harpswell Islands Road. He noted that he has met the requirements of the town ordinances and has notified the abutters with 500 feet of the site. He introduced Ian Messier, Site Engineer from Harry S. Crooker & Sons, Inc., Sean McGoldrick, Owner & President of McGoldrick Blasting Company and Chuck Blakeman, Owner of BECC to field any questions from the audience.

Public Hearing:

Ms. Irmgard Dering, an abutter, asked about the pre-blast assessment written in the Blasting Ordinance Section 3.2 Paragraph H and if there is any damage to her house after the blasting without inspection first, she cannot make claims to get that repaired.

John Jenne, an abutter, asked what types of tests are performed on wells prior to blasting. Chuck Blakeman, BECC, answered saying that BECC has been using A&L Labs for mineral and bacteria testing for Harpswell. They do not do “recovery” testing. He explained the reason for this. The Board continued the discussion reading parts of the Blasting Ordinance and the Maine State Law 4.3.

Mr. Rowe explained that the pre-blasting assessment letter was sent to abutters. BECC went to the properties with a video camera for both inside and outside the house, took water samples and sent those to the lab. The homeowner was given information on where to call for test results. He said the testing is the water quality testing and even though the Code Office does not require recovery testing, he is willing to have the recovery tests done for those who ask.

Sigrid Fischer-Mishler, an abutter, said she was not notified because she is just outside the 250 foot boundary but wanted to know if something happens to the wells, who should be contacted. Mr. Fuchs said she should contact Mr. Rowe first.

Discussion continued between the Board and Mr. Rowe regarding mean original grade, height and dimension of the building, pre-blast assessments, and notification to abutters. Mr. Chipman asked for proof of insurance from the blasting company. Mr. McGoldrick said he will send proof of insurance to Ms. Eyerman.

Public Hearing closed.

Under Section 4.1 Hours of Blasting of the Blasting Ordinance:

Paul Standridge moved second by David Chipman that the application does meet the hours of blasting requirements of the Blasting Ordinance, based on the following evidence: The application states that the hours for blasting will occur between 8 am and 7 pm from June 23, 2014 to July 3, 2014, Monday through Friday.

After discussion by the Board, Paul Standridge withdrew the motion and David Chipman withdrew his second.

Aaron Fuchs moved seconded by David Chipman that the application meets the requirements of the Harpswell Blasting Ordinance and the applicant states this will be

done, and once the pre-blast assessments are completed, a date certain will be established and all abutters who were notified will be re-notified of the date the blasting will start using the same method as the original notification. Unanimous Approval

Under Section 4.2 Water Quality and Quantity Protection of the Blasting Ordinance:

Paul Standridge moved seconded by David Chipman that the project does meet the groundwater quality and quantity requirements of the Blasting ordinance, based on the following evidence: As of the date of this review, the Code Enforcement Officer has not required monitoring groundwater quality and quantity to assure no adverse impacts to any water supplies or wells within 500 feet of the blasting location. Mr. Chipman stated that however they are adding in the Standards Pre-Blast Assessment. Unanimous Approval

Under Section 4.3 Ground Vibrations of the Blasting Ordinance:

Paul Standridge moved seconded by David Chipman that the project does meet the ground vibrations requirements of the Blasting Ordinance, based on the following evidence: The applicant submitted a letter from McGoldrick Bros. Blasting Services, Inc, dated June 12, 2014, stating that the airblast limits will be met by utilizing blasting mats and doing small shots. The distance of the closet structure is 110 feet away. The first blast will be a test blast and will fall within the allowable limits by State law. They will monitor each blast with a seismograph and make adjustments as needed. No protected resources will be affected. A copy of the blast report will be filled out and kept for 7 years. The copy of the calibration report was submitted with the application. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the Planning Board finds that the application is complete once the conditions are met. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the applicant, Great Island Boat Yard, has met the standards of the Harpswell Blasting Ordinance and the blasting permit application is approved, and that the pre-blasting assessments be completed and a copy of the blasters liability insurance coverage be received by the Town of Harpswell before the blasting begins. Unanimous Approval

Approval of Minutes: May 21, 2014

Burr Taylor moved seconded by Aaron Fuchs to accept the minutes of May 21, 2014 as drafted. Unanimous Approval

Discussion continued amongst the Board regarding the Blasting Ordinance and the email received from Darcy Dye.

Planner's Update: Subdivision Review

Ms. Eyerman stated that she would like the Board to study the Subdivision Ordinance and have them give comments and ask any questions they may have. Discussion continued.

Ms. Eyerman also noted information given to the Board on stormwater management, erosion control, green infrastructure and low-impact development.

Debora Levensailor moved seconded by Aaron Fuchs to adjourn the meeting. Unanimous Approval

Meeting adjourned at 8:20 PM

Respectfully submitted by:

Diane E. Plourde
Recording Secretary